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Committee on the Elimination of Discrimination against Women

Nineteenth session

Summary record of the 400th meeting
Held at Headquarters, New York, on Tuesday, 7 July 1998, at 3 p.m.

Chairperson: Ms. Bustelo García del Real (Vice-Chairperson)

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In the absence of the Chairperson, Ms. Bustelo García del Real (Vice-Chairperson) took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Third and fourth periodic reports of the Republic of Korea (continued) (CEDAW/C/KOR/3 and 4)

1. *At the invitation of the Chairperson, Ms. Pil-Wha Chang, Ms. Sung-Ja Chang and Ms. Hoo-Jung Yoon (Republic of Korea) took places at the Committee table.*

2. **The Chairperson** invited comments on the replies provided by the delegation of the Republic of Korea.

3. **Ms. Khan** expressed gratitude for the well prepared report, which provided a systematic response to many questions. The Republic of Korea had made important advances, and other Asian nations had great regard for its achievements. The Government had adopted various measures, including laws relating to sexual offences and gender equality. The national machinery seemed to be proactive.

4. The oral presentation had explained how some of the measures were administered, but she wondered how effectively such measures could be enforced in the Republic of Korea, given the paternalistic culture and male-centred institutional practices.

5. A related issue was the preference for sons which was common in Asia but was reported to be particularly predominant in the Republic of Korea. There were 74 million fewer women than men in Asia. The Republic of Korea had the greatest demographic imbalance, which would ultimately create a social problem. In India, the pre-birth sex selection procedure had been banned; she wondered to what extent it was available in the Republic of Korea. She noted that 16 per cent of married women had abortions, and wondered whether abortions were freely available to women who would prefer to have a son.

6. The current economic crisis would inevitably have an impact on the Government's ability to fulfil its obligations and commitments under the Convention; many measures required enhanced administration and increased personnel.

7. Women constituted 40 per cent of the Korean workforce and by Asian standards were well educated and skilled, yet they earned only 60 per cent as much as men. The new Labour Standards Act, which was to be implemented from January 1999, was intended to protect women from wage disparity. However, the Act applied to companies employing more than five workers; she wondered how practical it would be for protecting women's wages, given that there were so many small enterprises, some of them home-based.

8. Despite having an Equal Employment Act, the Republic of Korea had not ratified ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation or the ILO conventions on the right to organize. She wondered what was keeping it from doing so. She also enquired whether part-time workers, whose numbers were increasing, were entitled to benefits and protection under the new Act.

9. Although a comparatively small number of women worked in agriculture, it seemed that as a result of the economic transition more women were being pushed into that sector. Since 1991, women had constituted more than 45 per cent of the agricultural labour force. She asked whether their contribution was properly reflected in gross domestic product or whether they were still perceived as full-time domestic workers.

10. **Ms. Hartono** praised the country's achievements in the legal sphere and the establishment of childcare and rehabilitation centres and counselling programmes for HIV/AIDS patients and prostitutes. The recent streamlining of the machinery for women through the establishment of the Presidential Commission on Women's Affairs was far-sighted and seemed to iron out many uncertainties. As the head of the Commission had a ministerial-level position, she wondered why the Commission had not been made into a ministry of women's affairs and whether the Minister had the same decision-making powers as other members of the Cabinet.

11. The Government was also to be congratulated on recognizing the need for special government programmes, maintaining the current admirable status of Korean women and preventing women's impoverishment as a result of the present economic crisis. She appreciated the country's openness in reporting the additional problems faced by women workers and the increased instances of domestic

violence and divorce, and welcomed the Government's intention to enforce measures designed to protect women's rights within the family.

12. **Ms Taya** said that State-sponsored public childcare facilities covered only 21 per cent of children and paid maternity and parental leave were very limited, especially in the private sector. There were large disparities between public and private sector women workers, especially those working in small private companies. The economic conditions imposed by the International Monetary Fund (IMF) constituted obstacles to improving the situation in the private sector. She presumed that deep-rooted Confucianist beliefs were also an obstacle. Social sharing of the cost of motherhood benefited only privileged public workers. Social support systems should be introduced to change traditional concepts so that women workers could be recognized as being as efficient as men.

13. With regard to "comfort women", the Asian Women's Fund of Japan was providing about 2 million yen in compensation to victims to help promote self-healing. The Republic of Korea was allocating $26,000 to each victim; she would like to know the origin of those funds.

14. The introduction of the 20-per-cent quota system for women in the public sector was a very positive step.

15. **Ms. Guvava**, noting that legislation had been introduced enabling women to claim relief for discrimination, wondered whether women were really able to invoke it. Legal costs were very high, and if legal aid was not available, the purpose of such legislation would be defeated.

16. Noting that the law had been amended to enable a foreign woman marrying a Korean man to become a Korean national if she wished, she asked whether the law also applied to a foreign man marrying a Korean woman.

17. Turning to the question of inheritance, she requested clarification as to whether women could inherit property directly.

18. **Ms. Ouedraogo** welcomed the progress made, especially in the fields of health and education. Education made it possible to change the situation of women. If all women were educated, they would be more familiar with their rights. Noting the patriarchal nature of Korean society, she wondered what was being done to change cultural stereotypes. All women might not be aware of their economic, political and legal rights, and more work should be undertaken to increase awareness. Young people's views should be sought as a basis for developing strategies. Women lacked confidence, contenting themselves with having enough to live on instead of trying to use all their talents to rise within society. Women should gain representation at grass-roots level and on councils, overcoming their natural timidity about expressing their views.

19. With regard to rural women, she noted that there were programmes designed to improve such women's living standards. However, she regretted the lack of available statistics.

20. While welcoming programmes to help women increase their earning power, she felt that they focused on areas traditionally reserved for women, such as sewing and crafts. Female entrepreneurship should be promoted. Korean women headed some companies, but there were not many successful businesswomen. Women would have more self-confidence if more role models were in evidence.

21. **Ms. Corti** said that she had been present in the Committee when the Republic of Korea had presented its initial and second periodic reports. There was a big difference between the initial and the fourth reports in terms of quality, presentation and content. Conditions for women in the Republic of Korea had improved considerably and the number of laws and institutions for the advancement of women had grown enormously in a short time. That demonstrated the political will of the Government and of institutions to give a real place to women, as they deserved. There was also a big difference in the participation and the numbers of non-governmental organizations; women were moving out of traditional situations and participating in progress.

22. By translating the text of the Convention and distributing it to various institutions, the Government had shown that it considered the Convention to be important. The Republic of Korea had focused on education, an approach which was laudable and important for both the general and the professional development of women. She asked about the precise status and functions of the Presidential Commission on Women's Affairs, its powers in relation to Parliament, its resources and how they were utilized.

23. With regard to article 11, she felt that, despite the progress that had been made, a Confucianist culture

persisted. Attention was being paid to women workers more as mothers or members of the family than as women in their own right. Given the restrictions imposed by IMF, she wondered how the efforts being made to protect women's jobs could succeed. Unemployment was growing all over the world, and women were the first victims. She failed to see how women's unemployment could be combated. How did the Government envisage that job-creation policies would work? Were the necessary means available for job creation to be included in the second phase of the public works programme?

24. The Republic of Korea had succeeded in including the male spouse in parental leave coverage. She wanted to know how many men had benefited from that leave to date. Re-employment of female workers after pregnancy had been introduced in 1995. She wondered how it had worked and whether all the women who had lost or left their jobs in the meantime had been re-employed. She asked for clarification of the term "selective working hours".

25. She expressed doubts with regard to the information on assistance in looking for a job, coordination of housework and proposals for equal employment opportunities. She did not believe that there were programmes or policies in place to ensure success in those fields. Trade unions seemed to be playing a very important role in the Republic of Korea, organizing social protests and strikes. She requested information about their protection of women workers.

26. There was a gap between political will and the laws adopted and reality. More information was needed about the de facto situation.

27. **Ms. Acar** said that the Republic of Korea was clearly determined to improve the lot of women and to eliminate discrimination through comprehensive, well coordinated and enlightened measures. Its education statistics were impressive, but she wondered what those highly educated women were doing and how they were coping with the fact that they were not occupying a proportionate number of decision-making positions. More aggressive policies and concrete action were required to create and disseminate a culture of gender equality. The lack of such a culture seemed to be a major impediment to the implementation of the Convention in spirit. The underrepresentation of women in the diplomatic service, politics and the judiciary were acknowledged in the report, although the hope was expressed that the situation would improve as a result of quotas and other affirmative action measures. It was encouraging that the local autonomous elections had resulted in greater female representation, but it was necessary to ensure that the momentum was reflected at national level. Otherwise, there would be a further gender-based stratification in politics, with women's numbers in lower and medium-level positions improving while their presence at the national decision-making level remained unsatisfactory. She suggested that the 30-per-cent quota should be genuinely applied by the political parties and that a culture of equality should be promoted in politics. She asked whether the Government had any means of ensuring that the quota system was implemented, such as imposing conditions on financial support to political parties, or any plans to implement it. She wondered whether there were plans to review the single-member constituency system, which was known to have a negative effect on women's presence in politics, especially in patriarchal cultures. Lastly, she asked whether there were any plans for specific programmes to improve the position of women in the judiciary.

28. **Ms. Gonzalez** recalled that she had been a member of the Committee when the country's initial report had been submitted. The latest reports were very different in terms of content, format and substance. The delegation had provided more than 100 written responses to questions. The report was wide-ranging and clear, but in some cases the information requested had not been provided. With regard to compliance with article 5 of the Convention, she had hoped for fuller information on practical measures to change customs and traditions. The fact that such traditions persisted had a negative effect on women's rights and impeded full implementation of the Convention. No information had been provided about education designed to improve gender equality or about future measures or tools to promote equality.

29. Although paternalism had diminished, there seemed to be extreme violence within families. She asked for clearer information on the extent of such violence and the measures taken to reduce it.

30. **Ms. Aouij** welcomed the creation of the Presidential Commission on Women's Affairs. The fact that it was directly under the Presidency of the Republic demonstrated the political determination of the President and the Government to promote the status

of women and to empower them. Fundamental legislative reforms had been initiated; she singled out in particular the laws relating to labour equality, violence and nationality. However, the most significant development was the mainstreaming of the status of women into the National Development Plan, which covered education, health, professional and vocational training, employment and political decision-making. She welcomed the fact that there were already three female Ministers, but noted that female representation in Parliament was still inadequate.

31. Noting that women constituted a larger proportion of the electorate than men, she asked whether the political parties had women's sections to promote women within their hierarchies. The public sector should act as a model for the recruitment and advancement of women to positions of responsibility. Women were underrepresented in the judiciary. Promoting women within the court system would be effective in improving the status of women as a whole and would enable the spirit of the law to develop in such a way as to alter stereotypes. The judiciary should be included in positive discrimination efforts.

32. Very few countries had legislation that placed a value on housework. She asked what impact Korean law had on relations between spouses.

33. **Ms. Schöpp-Schilling** said that she looked forward to future information about the de facto implementation of equality laws. She congratulated the Government on its ratification of the amendment to article 20 of the Convention. The Government's protection of women employed in small businesses was progressive, and she hoped that the next report would include statistics on the numbers of women employed in such businesses. The Government's affirmative action measures were commendable, and she hoped that the next report would provide information about their results, and that the structural adjustments necessary to deal with the difficult economic situation would not impede their implementation. The economic situation could only benefit from the inclusion of highly-educated women in the labour force and their appointment to decision-making positions. She applauded the job-creation schemes for female heads of household and hoped that there would be jobs for as many women as wanted them.

34. Turning to the Act concerning equal pay, she believed that equality should extend beyond a particular enterprise; there should be equal pay for work of comparable value. It was necessary to study female-dominated sectors to see whether the criteria applied to their job evaluations were the same as those applied in male-dominated sectors.

35. She requested clarification about maternity protection. Maternity leave should be paid out of taxes; burdening the employer with special payments for women made employing women more costly. Child-rearing was a societal, not just an individual, task.

36. Turning to sanitary leave, she believed that it was an outdated concept. Very few women could not work because they were menstruating. If necessary, they could take ordinary sick leave. Sanitary leave contributed to the image of women as weak and requiring special protection.

37. **Ms. Lin Shangzen** welcomed the efforts for the advancement of women being made by the Korean Government in many fields. She was glad that the Nationality Act was being amended to permit the withdrawal of the reservation to article 9. She requested further information on the 1995 Women's Development Act, which related to article 15 issues. She asked for information on specific, consistent programmes of consciousness-raising on gender equality designed to eliminate the deep-rooted paternalistic culture. She hoped that the next report would contain further information on the implementation of legislation.

38. **Ms. Javate de Dios** said that the process of consulting with non-governmental organizations reflected the Government's respect for the diverse achievements and the opinions of the women's movement. She felt that the material provided by the delegation should be publicly disseminated in the Republic of Korea, as it contained important information on the situation of Korean women. She was especially pleased that the Government intended to withdraw its reservation to article 9.

39. She was impressed with the systematic and sustained way in which the Government had embarked on ensuring de jure, if not de facto, equality for women; that was a model for other countries. She singled out educational measures for particular praise. She expressed concern about the impact of the economic crisis on the well-being of working women. Women were already more severely affected than men by the massive lay-offs and the increasing conversion

to a casual labour force that IMF was pressing the Government to pursue. With regard to the Equal Employment Act, sanctions were not being imposed to combat indirect discrimination and sexual harassment in the workplace. An incentive system for model companies would encourage other companies to implement a better working environment for women.

40. Turning to article 10, she requested information about the impact of gender-sensitive programmes. She would welcome greater gender-sensitizing of educators and the introduction of women's studies at high school level. She noted the effort to introduce sexual violence prevention education in the elementary school curriculum. With regard to the creation of the Presidential Commission, she would prefer to see a stronger and more assertive national machinery with voting rights and an adequate budget.

41. A range of measures to deal with violence against women had been in place for 10 years. An impact study should be carried out to provide information on whether all forms of violence against women had been increasing or decreasing and on the extent to which the Government had responded. She noted that evidentiary requirements for women who had been raped placed the burden of proof on them and therefore discouraged them from reporting the crime. Criminalizing the act itself was helpful, but there might be value in reviewing the legislation so as not to put too much pressure on the victim to try to prove that she had been raped. With regard to shelters, two months was the maximum time provided for women who had been victimized. Victims of incest would require longer-term shelter programmes.

42. **Ms. Cartwright** said that the welcome legislative improvements since the previous report were the result of the strength and commitment of women in the Republic of Korea. She noted the promise that the reservation to article 9 would be withdrawn. However, she understood that the reservation to article 16 remained in force. That article entitled a woman to the same personal rights as her husband. She believed that the reservation had been retained because those rights included the right to choose a family name; however, the important second part of the article referred to the right to choose a profession and an occupation. That was particularly important at present because of the economic crisis, which would make it harder for women to find and retain work. It was important for the Republic of Korea to pay urgent attention to remedying that barrier to women's participation in the workforce.

43. Some legal provisions might need to be reviewed if de facto equality was to be achieved. That would include ensuring that the prohibition on discrimination against women under the Equal Employment Act prohibited discrimination which had both the intention and the effect of discriminating against women.

44. With regard to sanitary leave, she said that given the problems that women faced in attaining equal pay, the privilege of one day's leave a month should perhaps be retained under a different name.

45. **Ms. Abaka** said that many developing countries were attracting foreign investors by making special concessions to them. That was especially true of textile industries in export-processing zones. Most workers in such zones were low-paid women, and regulations were often relaxed. Many of those women did not have the opportunity of collective bargaining and they were often subject to sexual harassment in the workplace. The Korean economy had opened up to foreign investors and many countries were learning a lot from the Republic of Korea in that respect. It would therefore be interesting to know how the Government dealt with such problems.

46. **The Chairperson** invited the representatives of the Republic of Korea to respond to questions.

47. **Ms. Pil-Wha Chang** thanked the experts for their support. She agreed with most of the observations made. Her Government would try to incorporate all the Committee's suggestions in its next report. It was frustrating not to be able to go into detail about all the processes under way to attain Korean women's rights.

48. She agreed that the national machinery was inadequate. It had been hoped that it would have quasi-judicial and quasi-legislative functions, but at present it was not sufficiently empowered. She hoped that, with the Committee's support, the Commission would be able to pursue the matter further.

49. Turning to the issue of "comfort women", she said that many victims were refusing to take advantage of the Asian Women's Fund. The Korean Government was asking Japan to accept legal responsibility, rather than merely pay monetary compensation. The financial support that her colleague had referred to came mainly from the Korean Government, with a small contribution from the fund-raising efforts of non-

governmental organizations. She wished to make it clear that there was no connection between that funding and the Asian Women's Fund.

50. Although the level of female representation in the judiciary was currently low, there would soon be an increase because many women had recently been admitted to the Bar.

51. She agreed with members who had pointed to the role played by traditional culture in maintaining negative images of women and to the importance of combating it. Good progress had been made in the area of women's studies, which was now taught at most universities. She hoped that women's studies would soon be introduced at the secondary education level.

52. **Ms. Sung-Ja Chang** added that specific measures had been taken to change the attitudes and consciousness of the Korean people. Educational curricula and textbooks were revised regularly to reflect changing gender perspectives. Special courses had been developed, in particular for public servants, to change the attitudes of both women and men. Leadership programmes for women were under way.

53. She was unable to provide clear answers to the questions about protecting unemployed women. However, the Government was making efforts to protect women from dismissal as a result of unfair attitudes. The Ministry of Labour had established an institutional mechanism for considering complaints from women who felt that they had been unfairly dismissed. Occupations for women within the public works programme had been expanded, and women now made up 25 per cent of the programme's workforce.

54. In response to the question about family names, Korean women were able to keep their maiden names. Women's organizations were working to change perceptions about family names.

55. With regard to the question about women entrepreneurs, the delegation would be providing up-to-date statistics by mail, e-mail or fax. It would try to respond to other questions in the next report.

56. **The Chairperson** said that the Committee would receive any further responses within the context of the next periodic report.

57. **Ms. Hoo-Jung Yoon**, summing up, said that the Korean Government would bear in mind the observations made and step up its efforts to implement the Convention and the Beijing Platform for Action. Questions that had not been addressed sufficiently because of time constraints would be dealt with in the next report.

The meeting rose at 5.10 p.m.